

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:19-CV-540-D

BARNARD M R BEY,

Plaintiff,

v.

K. STONE, Nash County Sheriff,  
et al.,

Defendants.

**ORDER**

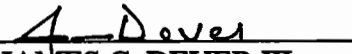
On January 9, 2020, Barnard M R Bey ("Bey"), appearing *pro se*, applied to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On February 3, 2020, the court referred the motion to Magistrate Judge Swank for frivolity review [D.E. 4]. On February 10, 2020, Magistrate Judge Swank issued a Memorandum and Recommendation ("M&R") [D.E. 5] and recommended that Bey's application to proceed in forma pauperis be denied and that the complaint be dismissed without prejudice for failure to prosecute or to comply with this court's order. On February 26, 2020, Bey filed objections the M&R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); *see* 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record and adopts the conclusions in the M&R. The court has reviewed plaintiff's objections to the M&R. Plaintiff's objections are baseless and overruled.

In sum, Bey's application to proceed in forma pauperis [D.E. 1] is DENIED, and Bey's complaint is DISMISSED without prejudice.

SO ORDERED. This 28 day of February 2020.

  
JAMES C. DEVER III  
United States District Judge